

Docket No. 44342.013500

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**BEST AVAILABLE COPY**Tetuo YUKI, *et al.*

U.S. SERIAL NO.: 10/069,192

ART UNIT: N/Y/A

FILED: October 23, 2001

EXAMINER: N/Y/A

**FOR: METHOD FOR PULVERIZING TO FINE POWDER**

Assistant Commissioner for Patents, Box PCT  
Attn.: DO/EO/US Legal Office  
Washington, D.C. 20231

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01 JUL 2002

Legal staff  
International Division**PETITION**

Sir:

On October 23, 2001, Applicants, by their Attorney of Record, filed the above-referenced patent application with the United States Patent and Trademark Office via Express Mail. Upon not receiving a Filing Receipt or return postcard, Applicants on January 10, 2002, inquired as to the status of the October 23, 2001, filing, requesting that we be accorded the October 23, 2001 filing date. As proof that the above-referenced National Phase patent application was filed on October 23, 2001, the deadline for this filing, a full and complete copy of the October 23, 2001 application papers was included with the January 10, 2002, request.

Applicants have subsequently received the return postcard from the October 23, 2001 filing, according this application the October 23, 2001 filing date and indicating that the serial number of this application is 10/069,192. However, Applicants have also received the return postcard from the January 10, 2002, request, indicating that this request was treated as another patent application with serial number 10/031,102 and filing date January 10, 2002, not as a request for the granting of the October 23, 2001, filing date. Applicants have been charged a filing fee for this request.

Applicants hereby petition the United States Designated/Elected Office to regard the January 10, 2002, mailing as a status inquiry, not as a new patent application filing, and request a refund of the filing fee charged for that filing and a withdraw of application number 10/031,102 from consideration. Applicants stated intent with the January 10, 2002, mailing was to inquire as to the status of the October 23, 2001, filing and to insure that Applicants received the benefit of that filing date. Applicants did not intend the January 10, 2002 mailing to be treated as a new patent application filing, and there was no reason for the United States Designated/Elected Office to treat it as such. In addition, since the January 10, 2002 mailing was incorrectly treated as a new patent application filing, Applicants hereby request a waiver of any fees that may be due for this petition.

**AUTHORIZATION**

No fee is believed due for this request.

Respectfully submitted,

Greenberg Traurig, LLP

Date: April 02, 2002

By:   
EUGENE C. RZUCIDLO  
Attorney for Applicants  
Registration No. 31,900

GREENBERG TRAURIG, LLP  
Third Avenue, 22nd Floor  
York, NY 10022-4834  
(212 801-9200)

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**CERTIFICATE OF MAILING**

This is to certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on April 2, 2002.

Linda Garramone

  
Signature

April 2, 2002  
Date of Signature



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October 23, 2001

Nippon Shinyaku Co., Ltd.

Inventor: Tetuo YUKI, et al.

Title: METHOD FOR PURIFYING TO FINE POWDER  
S/N: N/Y/A

Enclosed please find:

1. Transmittal Letter to the United States Designated/Elected Office.
2. Published International Application No. WO00/64875.
3. English translation of International Preliminary Examination Report.
4. Executed Declaration and Power of Attorney.
5. Recordation Form cover sheet w/Executed Assignment.
6. Patent Specification.
7. Preliminary Amendment.
8. English translation of international Search Report.

Kindly acknowledge receipt of this post-card by stamping and returning.

44342.013500

Examiner: N/Y/A

Filing Date: October 23, 2001

First Class Mail  
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10/069192

JC20 Rec'd PCT/PTO 23 OCT 2001

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Docket No.: 44342.013500  
 Applicant: Yuki et al.  
 Attorney: Eugene C. Rzuclidlo  
 Title: Method for Pulverizing to Fine Powder

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- 1) Letter and Request with Exhibits cited therein;
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10/031102

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